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Notice of  
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I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Christine M. Citro

Printed name of person mailing correspondence

Signature of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xinnian Dong et al.

Art Unit: 1638

Serial No.: 08/908,884

Examiner: A. Nelson

Filed: August 8, 1997

Customer No: 21559

Title: ACQUIRED RESISTANCE GENES AND USES THEREOF

Assistant Commissioner For Patents  
Washington, D.C. 20231

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES UNDER 37 C.F.R. §1.191

Applicant respectfully appeals to the Board of Patent Appeals and Interferences from the decision dated March 12, 2001 of the Examiner finally rejecting claims 1, 2, 4-13, 15-29, 36 and 40-42.

Enclosed pursuant to 37 C.F.R. § 1.136 is a petition to extend the time to respond to the final rejection for three months, to and including September 12, 2001.

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Also enclosed is a check in the amount of \$310.00 for the fee required by 37

C.F.R. § 1.17(e) for this Notice of Appeal. If there are any charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: Sept 11 2001

Susan M. Michaud  
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PATENT TRADEMARK OFFICE